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THE LAW OF MINES AND MINING IN THE UNITED STATES. By DANIEL MOREAU BARRINGER, A. M., LL. B., and JOHN STOKES ADAMS, A. B., LL. B., (Lecturer on the law of Mines and Mining in the law school of the University of Pennsylvania). St. Paul, Minn. THE KEEFE-DAVIDSON COMPANY. 1911. Vol. II, pp. xliv, 798.

In the preface to this volume, the authors point out that the number of cases decided by the courts on the subject treated during the past thirteen years, equal, if they do not exceed the number reported in the previous fifty years. "It has seemed to us that the requirements of the active practitioner, the person to whom this work is especially addressed, could best be served by collecting this new material in a supplemental volume, and arranging it in exact conformity with the plan of the first volume, so that its use in connection therewith would be easy and convenient. With this end in view the present volume has been prepared."

The first volume was published in 1897, and to properly review the present work a brief reference to the former is necessary. In the preface to that work, the authors indicate their aim to provide a complete and accurate statement of the law to meet the requirements of the active practitioner. "The authors have refrained from giving their own ideas as to the rules that ought to be adopted * * *. But they have constantly aimed to state clearly the law as it is to-day * * *." A very valuable geological preface is followed by the real subject. The arrangement of the chapters and their titles appear to be more or less arbitrary, though it covers the ground very thoroughly. The cases relied on are not cited by mere reference, but at the conclusion of the discussion of each point, each case is carefully digested, and the arrangement gives the federal authorities first, followed by the state authorities in alphabetical order. This is novel in text book writing, but is of value to the busy practitioner. At the end of the volume is an appendix giving the Federal Statutes and the Land Office Regulations in full.

By comparison with other works on mining law, this work appears favorably, when its object is considered. It is not aimed to supply a scientific discussion of principle, and so cannot be compared with Lindley's scholarly work; it is not prepared for the use of law students and so cannot be compared with Costigan's recent work; it does not emphasize the scientific geological features and so cannot be compared with Shamel's excellent treatment of the subject from that standpoint; it is not a handbook and consequently does not inject itself into the field covered by Morrison. Its object is more nearly the same as Martin, and in our judgment it is far better done.

For the practitioner, some treatment of principle is of great value, especially on such important questions as extralateral rights, tunnel locations, etc., and the lack of discussion of these points seems to be a weakness. Also, the Origin and History of Mining Law and a general discussion of the Land Department, so well outlined by Costigan, is of value, and is here lacking. Again the busy practitioner will doubtless miss the more usual forms used in his practice. On the other hand, the subject of mining leases is more admirably treated than in any other work that we have examined, and the law of the entire country is covered, the subject not being limited to the law of mining as related to the public lands. The chapter on miners, having reference to their wages, health and safety is also more fully treated than in other more recent works.

Turning to Volume II, it appears that the authors have admirably

accomplished their purpose of making it an up-to-date supplement to Volume I. There is no new text, except in those cases where there has been a new development of the law by judicial decision, statute or Land Office Regulation. On the other hand, there are more cases discussed elucidating the principles set forth in Volume I. The appendix covers the new federal laws and Land Office Regulations enacted since 1897.

The mechanical features of both volumes are poor. The paper appears to be of an inferior quality and in places the type has failed to leave a distinct impression. This is unfortunate in so able a work.

H. A. S.

PERRY ON TRUSTS AND TRUSTEES. Sixth Edition, revised and enlarged by EDWIN A. HOWES, JR., in two volumes. Volume I, pp. i-xxvii, 1-774. Volume II, pp. i-xviii, 775-1642. Boston, 1911.

The time is ripe for the preparation of a treatise on the law of Trusts, which shall embody in some measure the results reached by the scientific investigation of equity principles which has been carried on during the past twenty years. Such a work would be representative of the development of the subject, by Langdell, Ames, Maitland and many others who have contributed to the modern method of study and investigation of legal problems on rational and scientific lines, eliminating from them much of their mystery and artificiality. When such a work does appear it will be something more than a digest of cases illustrative of rules arranged and classified upon an archaic system. It will brush aside mere rules and forms, and search for the principles of the law. Antiquated fictions and hoary maxims will be subordinated to substance and the whole subject will be developed with some reference to historical perspective. The modern method of investigating legal problems is producing its results at the Bar and its effects are becoming evident in the reports, but it has been singularly unproductive of scientific law books. Its fruition in legal publications which are something more than digests or summaries cannot be long deferred, and the signs are not wanting that the next twenty years will be a period of great productivity of legal literature more representative of modern legal thought.

Until this happy day arrives "Perry on Trusts and Trustees" will continue as it has been for forty years past, the standard treatise on the subject of the law of trusts. It is an admirable collection of rules which govern or are supposed to govern courts of equity in dealing with trusts, and it is a mine of authorities for student and practitioner as well. But no one familiar with the subject supposes that it interprets the law, and the rules and principles of equity as they are now understood by practically every lawyer trained in a modern university law school, nor can that be expected until the book is re-written in the light of more recent study and experience. Conceding this, the work is fortunate in its annotator. Without attempting to re-write the text, he has added about 2,700 new cases to the notes and has re-written the notes to the fifth edition. To these he has made many valuable additions, with just appreciation of what may be called the more modern view of equity. Thus revised, the work will be a valuable aid to the practitioner who has been rightly trained and will be of some service to the student who is studying under proper guidance.

H. F. S.